

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZACHARY KURUVILLA,

Plaintiff,

-against-

SARAH LAWRENCE COLLEGE,

Defendant.

NOTICE OF REMOVAL

No. 7:24-cv-6440

Sarah Lawrence College (the “College”), by and through its counsel, Hodgson Russ LLP, hereby gives notice of the removal of this civil action from the Supreme Court of the State of New York, County of Westchester, to the United States District Court for the Southern District of New York. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

As grounds for removal, the College states as follows:

Background Facts Regarding Pleadings Served and Filed to Date

1. On July 24, 2024, Zachary Kuruvilla (“Plaintiff”) filed a Notice of Petition and Hybrid Action in the Supreme Court of the State of New York, Westchester County, Index No. 66000/2024 (the “State Court Action.”). A copy of the Verified Petition (with exhibits) is attached as **Exhibit A**.

2. On that same day, Plaintiff filed a Request for Judicial Intervention (“RJI”). A true and correct copy of the filed RJI is attached as **Exhibit B**.

3. Additionally, Plaintiff filed a Notice of Petition and Hybrid Action, a true and correct copy of which is attached as **Exhibit C**.

4. On or about August 1, 2024, Plaintiff purported to effect service of the Notice of E-filing, Petition, Exhibit A, Exhibit B, Notice of Petition and Hybrid Action, RJJ and Confirmation Notice on Respondent. Plaintiff filed an affidavit of service, which inaccurately states “service was made via electronic mailing” to Sarah Lawrence College on July 24, 2024, and is attached as **Exhibit D**.¹ Plaintiff has not filed an affidavit of service reflecting the date upon which Plaintiff purported to effect personal service of the same documents.

Grounds for Removal—Federal Question Jurisdiction

5. Removal of the State Court Action to the United States District Court for the Southern District of New York is appropriate pursuant to 28 U.S.C. §§ 1331 and 1441, because the Petition seeks to assert claims arising under the Constitution, laws or treaties of the United States.

6. In the Petition filed in the State Court Action, Plaintiff seeks to challenge the College’s determinations allegedly dismissing him from one of its academic programs, and seeks related relief. Among the numerous claims asserted in the Petition in the State Court Action is a purported cause of action premised on allegations of disability discrimination by the College, allegedly in violation of federal law. *See* Exhibit A at ¶¶ 4, 60-64.

7. Specifically, Plaintiff seeks to assert a disability discrimination claim arising from his alleged academic dismissal, allegedly in violation of, 42 U.S.C. § 12181, *et seq.* *Id.*

8. In raising this federal question, the State Court Action is properly removed on the basis of this Court’s original subject matter jurisdiction.

9. In addition to this federal claim, Plaintiff alleges claims premised upon purported violations of New York common law and statutory law. *See id.* at ¶¶ 48-58, 65-66.

¹ New York does not permit service of process by electronic mail.

10. Plaintiff's remaining causes of action form part of the same case or controversy, and therefore are within this Court's supplemental jurisdiction under 28 U.S.C. § 1367(a).

The College Has Satisfied All Procedural Requirements for Removal

11. The Petition was served on Sarah Lawrence College on August 1, 2024.

12. Therefore, pursuant to 28 U.S.C. § 1446(b), the College has timely filed this Notice of Removal, within 30 days of service of the Petition upon it.

13. The College has not yet answered or moved against the Complaint.

14. Venue is proper in this Court because it is the district where the State Court Action is pending. 28 U.S.C. § 1441(a).

15. The College will submit with this Notice of Removal a complete Civil Cover Sheet, and will be paying the filing fee, thus satisfying all procedural prerequisites for removal.

Notice of the Removal of this Action

16. Pursuant to 28 U.S.C. § 1446(d), a Notice of Notice of Removal, together with the instant Notice, are being promptly served upon counsel for Plaintiff by both first-class United States mail and by e-mail transmission.

17. A copy of this Notice, along with a Notice of Filing of Notice of Removal, is also being filed with the Clerk of the Supreme Court of the State of New York for the County of Westchester.

WHEREFORE, Sarah Lawrence College respectfully submits that this Court has jurisdiction over the claims asserted in this action, that the State Court Action is properly removable to this Court pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446, and that the removal has been effected in a timely and appropriate manner, conferring on this Court complete jurisdiction over the action, to the exclusion of any further proceedings in the New York State Supreme Court.

Dated: August 26, 2024

HODGSON RUSS LLP

By: s/Joshua M. Agins
Joshua M. Agins
Claire E. Wells

1800 Bausch and Lomb Place
Rochester, New York 14614
Telephone: (585) 454-0700
jagins@hodgsonruss.com
cwells@hodgsonruss.com

Attorney for Sarah Lawrence College

To: STEWART LEE KARLIN LAW GROUP PC
Stewart Lee Karlin, Esq.
111 John Street, 22nd Floor
New York, NY 10038
Telephone: (212) 732-6970
slk@stewartkarlin.com

Counsel for Plaintiff